

**From:** [Coughlan, Laura](#)  
**To:** [Hansen, Susan](#); [Kreisler, Eva](#)  
**Cc:** [Lamberth, Larry](#); [Jones, Aaryn](#); [Newman, Alan](#); [Oif, Leslie](#); [Picardi, Rick](#); [Buso, Roberto X](#); [Monell, Carol](#); [Michuda, Colleen E.](#); [Nam, Katherine](#)  
**Subject:** RE: Chemours Netherlands Correspondence Follow Up  
**Date:** Friday, March 08, 2019 9:12:29 AM  
**Attachments:** [2016-27428.pdf](#)

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Hey Guys:

While RCRA has an export section (3017), the RCRA statute does not have an import section per se, so the authority we have is under our authority over the transport, management, and generation of hazardous waste. We are trying to learn whether the waste was and is in fact nonhazardous under RCRA, and whether the imported wastes are both being legitimately recovered. In the preamble to the 2016 final rule revising the import-export requirements (attached), we cited our authority to promulgate the various import and export requirements as shown below:

*C. What is the agency's authority for taking this action?*

EPA's authority to promulgate this rule is found in sections 1002, 2002(a), 3001–3004, and 3017 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6901 et.seq., 6912, 6921–6924, and 6938.

I have added Kathy Nam to this discussion because she has been involved in so many discussions concerning our authority to regulate import shipments.

Laura L. Coughlan, P.E.  
Environmental Scientist  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA (5304P)  
Potomac Yard South(PYS)-6984  
phone: 703-308-0005  
fax: 703-308-0514

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**From:** Hansen, Susan  
**Sent:** Thursday, March 07, 2019 6:43 PM  
**To:** Kreisler, Eva <Kreisler.Eva@epa.gov>  
**Cc:** Lamberth, Larry <Lamberth.Larry@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>; Newman, Alan <Newman.Alan@epa.gov>; Oif, Leslie <Oif.Leslie@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>; Buso, Roberto X

<Buso.Roberto@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Michuda, Colleen E.  
<Michuda.Colleen@epa.gov>

**Subject:** Re: Chemours Netherlands Correspondence Follow Up

Thank you, Eva. Just to make sure we are all on the same page, what authority should the Region use to issue the letter with these additional questions? Would it be enough for R4 counsel to email the original letter to Chemours counsel and request that the company respond to Questions 7-16 (as a continued set of questions relating to the import request)? If we go with that approach, is there any authority under the import context for us to request response within a certain timeframe?

Or should we issue question 7-16 under 3007 authority? I know some concern has been voiced regarding use of 3007 authority for questions 7-16, and I'm not sure if your reference to "NOT the 3007" is in regard to the more recent discussions about use of 3007 authority for an entirely new set of questions.

Hope this makes sense. Thanks very much for your help.

Susan

Sent from my iPhone

On Mar 7, 2019, at 6:22 PM, Kreisler, Eva <[Kreisler.Eva@epa.gov](mailto:Kreisler.Eva@epa.gov)> wrote:

With regards to the immediate need to respond to A&P with the questions we already sent in the letter to the Netherlands (NOT the 3007), my management agrees that it makes sense for Region 4 to send a letter with the questions.

Regards,

Eva H. Kreisler, Attorney-Advisor  
(202) 564-8186  
[kreisler.eva@epa.gov](mailto:kreisler.eva@epa.gov)

Office of Land and Emergency Management  
Office of Resource Conservation and Recovery  
International Branch (2255A)  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW.  
Washington, DC 20460

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<https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-export-import-revisions-final-rule> ? Email [RCRAnotifications@epa.gov](mailto:RCRAnotifications@epa.gov) \*\*\*

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**From:** Lamberth, Larry

**Sent:** Thursday, March 07, 2019 5:21 PM

**To:** Kreisler, Eva <[Kreisler.Eva@epa.gov](mailto:Kreisler.Eva@epa.gov)>

**Cc:** Jones, Aaryn <[Jones.Aaryn@epa.gov](mailto:Jones.Aaryn@epa.gov)>; Newman, Alan <[Newman.Alan@epa.gov](mailto:Newman.Alan@epa.gov)>; Oif, Leslie <[Oif.Leslie@epa.gov](mailto:Oif.Leslie@epa.gov)>; Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>; Coughlan, Laura <[Coughlan.Laura@epa.gov](mailto:Coughlan.Laura@epa.gov)>; Buso, Roberto X <[Buso.Roberto@epa.gov](mailto:Buso.Roberto@epa.gov)>; Hansen, Susan <[Hansen.Susan@epa.gov](mailto:Hansen.Susan@epa.gov)>; Monell, Carol <[Monell.Carol@epa.gov](mailto:Monell.Carol@epa.gov)>; Michuda, Colleen E. <[Michuda.Colleen@epa.gov](mailto:Michuda.Colleen@epa.gov)>

**Subject:** Re: Chemours Netherlands Correspondence Follow Up

A 3007 would be from me. If they are not truthful in their response we have a stronger hook. Rob I thought this was the avenue we discussed earlier.

Sent from my iPhone

On Mar 7, 2019, at 4:54 PM, Kreisler, Eva <[Kreisler.Eva@epa.gov](mailto:Kreisler.Eva@epa.gov)> wrote:

Thanks. I am off tomorrow but PLEASE call me at my work number 202 564-8186 – it rolls to my cell phone - if there is follow-up I need to do...I will come back home if I need to send an email or call Arnold and Porter.

Regards,

Eva H. Kreisler, Attorney-Advisor  
(202) 564-8186  
[kreisler.eva@epa.gov](mailto:kreisler.eva@epa.gov)

Office of Land and Emergency Management  
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**From:** Jones, Aaryn  
**Sent:** Thursday, March 07, 2019 4:48 PM  
**To:** Kreisler, Eva <[Kreisler.Eva@epa.gov](mailto:Kreisler.Eva@epa.gov)>; Newman, Alan <[Newman.Alan@epa.gov](mailto:Newman.Alan@epa.gov)>; Oif, Leslie <[Oif.Leslie@epa.gov](mailto:Oif.Leslie@epa.gov)>  
**Cc:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>; Coughlan, Laura <[Coughlan.Laura@epa.gov](mailto:Coughlan.Laura@epa.gov)>; Buso, Roberto X <[Buso.Roberto@epa.gov](mailto:Buso.Roberto@epa.gov)>; Lamberth, Larry <[Lamberth.Larry@epa.gov](mailto:Lamberth.Larry@epa.gov)>; Hansen, Susan <[Hansen.Susan@epa.gov](mailto:Hansen.Susan@epa.gov)>; Monell, Carol <[Monell.Carol@epa.gov](mailto:Monell.Carol@epa.gov)>; Michuda, Colleen E. <[Michuda.Colleen@epa.gov](mailto:Michuda.Colleen@epa.gov)>  
**Subject:** RE: Chemours Netherlands Correspondence Follow Up

Hi Eva,

I have passed this information along to my management and our ORC contacts and we will get back to you as soon as we can. Thanks,

Aaryn Jones  
Physical Scientist  
U.S. Environmental Protection Agency  
61 Forsyth St, S.W.  
Atlanta, GA 30303  
(404) 562-8969  
[jones.aaryn@epa.gov](mailto:jones.aaryn@epa.gov)

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**From:** Kreisler, Eva  
**Sent:** Thursday, March 7, 2019 4:32 PM  
**To:** Newman, Alan <[Newman.Alan@epa.gov](mailto:Newman.Alan@epa.gov)>; Jones, Aaryn <[Jones.Aaryn@epa.gov](mailto:Jones.Aaryn@epa.gov)>; Oif, Leslie <[Oif.Leslie@epa.gov](mailto:Oif.Leslie@epa.gov)>  
**Cc:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>; Coughlan, Laura <[Coughlan.Laura@epa.gov](mailto:Coughlan.Laura@epa.gov)>  
**Subject:** FW: Chemours Netherlands Correspondence Follow Up

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DO NOT RELEASE

Hi everyone,

I received the email below (and a phone call) earlier today from Ms.

Rumsey, an attorney at Arnold and Porter, who is representing Chemours. Although Alan forwarded a copy of my letter to the Netherlands Competent Authority (ILT) to Chemours – Richard Movius, [richard-d-rick.movius@chemours.com](mailto:richard-d-rick.movius@chemours.com) and Christel Compton, [CHRISTEL.E.COMPTON@chemours.com](mailto:CHRISTEL.E.COMPTON@chemours.com) - it appears that Chemours is waiting to receive a formal letter from USEPA addressed directly to them with the questions for which we are waiting for answers, 7-16 in my attached letter to ILT..

How do you want to proceed? Do you want to turn around a formal letter to them by COB tomorrow? I believe that that is the sign-off process we got from management. I can call Ms. Rumsey and let her know that a letter directly addressed to Chemours with the questions we have specifically for the Lafayette facility will be sent shortly.

Thoughts?

Regards,

Eva H. Kreisler, Attorney-Advisor  
(202) 564-8186  
[kreisler.eva@epa.gov](mailto:kreisler.eva@epa.gov)

Office of Land and Emergency Management  
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**From:** Rumsey, Allison B. [<mailto:Allison.Rumsey@arnoldporter.com>]

**Sent:** Thursday, March 07, 2019 2:10 PM

**To:** Kreisler, Eva <[Kreisler.Eva@epa.gov](mailto:Kreisler.Eva@epa.gov)>

**Subject:** Chemours Netherlands Correspondence Follow Up

Dear Ms. Kreisler,

I represent Chemours and am following up on a letter that you sent to their Netherlands facility on December 19, 2018 (attached). In that letter, you directed Chemours Netherlands to answer questions 1 -6 and stated that you would be following up with Chemours Company (in the US, we assume) about the remaining questions. Chemours has not yet received any follow up correspondence and asked that I contact you to make sure that they did not miss it. If you have not yet sent it, that is, of course, fine. If you have sent the follow-up letter, if you could let me know to whom it was addressed and provide me with a copy, I would appreciate it.

Please feel free to give me a call if you want to discuss.

Best,

Allison

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Allison Rumsey

Partner

Arnold & Porter

601 Massachusetts Ave., NW

Washington | District of Columbia 20001-3743

T: +1 202.942.5095

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